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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)

Working paper prepared by the Secretariat

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I. General

1. The Falkland Islands (Malvinas)[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory comprises two large islands, known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometers (4,700 square miles). The Territory is situated in the South Atlantic, about 770 kilometers north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands (Malvinas) acts as Commissioner for South Georgia and the South Sandwich Islands. According to the results of a census conducted in April 2001, the current estimate of the population of the Territory is 2,400.

II. Constitutional and political developments

A. Constitution and Government

2. The Constitution of the Falkland Islands (Malvinas), which came into effect on 18 April 1985, vests executive power in a Governor, who is the personal representative of the British monarch, assisted by an Executive Council. The Executive Council comprises three members of the Legislative Council elected annually by the eight elected members of that Council from among their own number, and two ex officio members, the Chief Executive and the Financial Secretary, who also sit on the Legislative Council. In addition, the Attorney-General and the Commander of the British Forces in the Falkland Islands (Malvinas) attend by invitation. The Legislative Council, chaired by the Governor, has eight members elected by universal adult suffrage. General elections are held every four years. The voting age is 18. The Legislative Council also has two non-voting ex officio members, the same who sit on the Executive Council. It will be recalled that the Constitution of the Territory stipulates, inter alia, that: "whereas all peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law; and whereas the realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations".

3. The Falkland Islands Constitution (Amendment) Order 1997 came into force on 1 September 1997. A copy of the Falkland Islands Constitution (Amendment) Order 1997 and of the Falkland Islands Constitution (Amendment) (No. 2) Order 1997, which came into force in February 1998, have been submitted to the Secretariat by the administering Power. Further information on constitutional aspects, including amendments to the Electoral Ordinance, is contained in the 1999 working paper prepared by the Secretariat (A/AC.109/1999/12).

4. In April 2000, the Legislative Council of the Falkland Islands (Malvinas) decided to establish a Select Committee, comprising all elected members, to review the Falkland Islands (Malvinas) Constitution "in recognition of the mature partnership that the Islands enjoy with the United Kingdom Government". The Select Committee, which is undertaking wide public consultation, has as its function "to examine and make proposals to the Council in relation to possible changes and amendments to the Falkland Islands Constitution Order 1985, and to submit or request the submission of such proposals as are agreed by the Legislative Council to Her Majesty's Government for its consideration and if thought appropriate by Her Majesty's Government, incorporation in a revised Constitution for the Falkland Islands". The Deputy Legal Adviser at the Foreign and Commonwealth Office, and the Secretary-General of the Commonwealth Parliamentary Association visited the Islands during 2000 to provide advice and assistance in the process.

5. The most recent general election was held in October 1997. The next election is scheduled to take place on 22 November 2001.

B. Political developments

6. On 30 May 2000, in an address to the Argentine Council for Foreign Relations the Minister for Foreign Affairs, International Trade and Worship of Argentina stated the following:

> "Since it is an objective set forth in the Constitution, the National Government views its policy with regard to the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas as a sustained effort to regain the exercise of sovereignty over those territories, respecting the way of life of their inhabitants.
>
> "Our Government and our country are prepared to resume bilateral negotiations with London on the sovereignty dispute in the manner indicated in successive resolutions of the United Nations and the Organization of American States (OAS)."

7. On 10 June 2000, the Government of Argentina issued the following press communiqué:

> "On 10 June, 'Day of affirmation of Argentine rights to the Malvinas Islands and the Antarctic Sector', the Argentine nation commemorates the establishment of the Political and Military Command of the Malvinas Islands and the Islands Adjacent to Cape Horn in the Atlantic Ocean, in accordance with the decree by the Interim Governor of the Province of Buenos Aires, Brigadier General Martín Rodríguez, in 1829.
>
> "Since the beginning of its existence as an independent nation, the Argentine Republic has demonstrated, through actions by the Government, the firm political determination to exercise its effective sovereignty in the southern territories and maritime areas inherited from Spain.
>
> "This effective exercise of sovereignty was interrupted on 3 January 1833, when British forces occupied the Islands, expelling the population and the Argentine authorities established there. Subsequently, Argentine citizens were prevented from settling freely or owning land in those territories.
>
> "The Argentine people and Government never accepted that act of force and today reiterate, just as in the past, their unwavering determination to regain through the peaceful means of diplomatic negotiations and in accordance with the numerous appeals by the international community, the exercise of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.
>
> "The Argentine claim has traditionally been supported by the countries of our region and the relevant international bodies, including the General Assembly of the United Nations and the General Assembly of the Organization of American States. These forums have repeatedly requested the Governments of the Argentine Republic and the United Kingdom to resume negotiations making it possible to resolve the sovereignty dispute definitively and in a peaceful manner.
>
> "On this momentous date, the Argentine Government reiterates its constant readiness for dialogue with the United Kingdom, in order to resume negotiations with a view to resolving, as soon as possible, in a just and definitive manner, the pending sovereignty dispute."

8. On 12 July 2000, speaking at the Falkland Islands Forum on the theme of "Sustaining a secure future", held in London, Minister of State John Battle delivered a statement entitled "A modern partnership with the Falklands":

> "Today I want to talk about partnerships fit for the twenty-first century, partnerships for progress and prosperity. That is the essence of our relationship with the Overseas Territories, as expressed in our March 1999 White Paper on the Overseas Territories. This Forum's theme, 'Sustaining a secure future' reflects this well. First, a modern partnership with the Falklands needs to be founded on the idea that Falklanders can decide their own future. Self-determination was one of the best and most popular ideas of the twentieth century. With the entry into force in 1976 of the International Human Rights Covenants, self-determination gained the force of international law as a fundamental, collective human right. (...) Second, the partnership, like all partnerships creates responsibilities on both sides. For our part, the most important of our

responsibilities towards the Falklands are defence and foreign affairs. We are unequivocally committed to ensuring the security of the Falkland Islands. We will continue to station a strong garrison there, with resources from three armed services.

"In foreign affairs we represent and promote the interests of the Falklands wherever they are affected around the world. This might be directly with other countries, or in multilateral institutions such as the United Nations. In particular, negotiations to protect the environment or arrangements for air service or where our sovereignty over the islands is challenged. (...)

"A third element of our modern partnership is the exercise of democracy. Falklanders have a proud record in this respect. The Legislative Council, composed of eight Councillors, is chosen by Falklanders. They pass local laws, Ordinances. They also elect three of their number to sit on the Executive Council. The Falklands Legislature, with powers set in the Constitution, is lively, governs the Islands efficiently and is a beacon of democracy. It reflects well on the political maturity of the Islanders the quality of Councillors and the professionalism of the Falkland Islands Government that the governance of the islands is so effective — it is a model of good governance ...".

9. In a broadcast to the Islands on 2 January 2001 giving a New Year's message on the British Broadcasting Corporation (BBC), the Prime Minister of the United Kingdom, Mr. Tony Blair, declared:

"The year 2000 was always going to be a momentous one. I know that for all of you in the Falkland Islands it has been a year of promise and progress. The world's changing fast. In particular, the ever-expanding world of the Internet is bringing us all closer together. Cultural and linguistic barriers have been broken down. More and more of us can now have access to a phenomenal amount of information. Electronic commerce has huge implications for our economies, and I know that in the Falkland Islands you are doing much more than just keeping up with the pace of change. You are actively reaching out for new opportunities for economic development and seeking out a place in this new global order.

"At the Falkland Islands Forum in July, business, media investors and conservationists met to talk about constructive partnerships and the way ahead for the Falkland Islands. The Forum was a terrific initiative and a great success. It successfully projected the image of a modern Falkland Islands, gearing up for the challenges of guaranteed economic growth while protecting your remarkable environment.

"John Battle set out clearly at that meeting the basis for our continuing partnership for the Falkland Islands: your right to self-determination and our guarantee of your security. Let me reiterate here those vital commitments, and I hope that this promise of stability will enable us all to work wholeheartedly towards sustaining a secure future for the Falkland Islands.

"I would like to take the opportunity also to salute your courage in agreeing to develop links with Argentina where cooperation is in our mutual interest. This approach offers the possibility of a sound working relationship with Argentina without compromising the fundamental principal that sovereignty is not negotiable. We are making headway on the question of the feasibility of landmine clearance as well as on oil exploration and fish stocks in the South Atlantic. These are important issues and they will not be solved overnight but I welcome steps in, what I am convinced, is the right direction.

"So, it seems to me that the Falkland Islands are looking frankly at the future and at the opportunities which lay ahead. Please rest assured that this Government is committed to supporting you in this dynamic process whilst ensuring your security. (...)"

10. By letter dated 3 January 2001 (A/55/729) addressed to the Secretary-General, the Permanent Representative of Argentina transmitted a press communiqué on the occasion of "another anniversary of the illegitimate British occupation of the Malvinas Islands". The text of the communiqué is annexed to document A/55/729.

11. During a visit to the Falkland Islands (Malvinas) in February 2001, Baroness Patricia Scotland, Minister

for Overseas Territories of the United Kingdom, stated that "... the important thing is to make sure the security of the Falklands remains and that we work out a good working relation with ... Argentina so that the safety of the Falklands is maintained. The Falkland Islands are British; they will remain British as long as they wish to be. I have had the real advantage of seeing the Falkland Islands myself, the people here are indistinguishable from people who live on mainland United Kingdom".

12. On 1 March 2001, in a message to the inaugural meeting of the Legislative Assembly of Argentina, President Fernando de la Rúa said:

> "With respect to our rights over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, the National Government establishes its policy in accordance with the constitutional mandate. In this regard, throughout 2000 we received significant support for our position at the United Nations, the Organization of American States (OAS), the Ibero-American Summit, the Brasilia Summit, the Central American Summit, and in the Rio Group as well as at various high-level bilateral meetings.
>
> "While at the same time pursuing this sustained effort to regain the exercise of sovereignty over those territories, respecting the way of life of their inhabitants, we shall continue to work in order to reach further provisional understandings under the formula of sovereignty with the United Kingdom in the South Atlantic.
>
> "Within this framework, the recent agreement making it possible for private civilian aircraft to carry out flights and for individual vessels to navigate stands out. This understanding marks a further step along the path towards a rapprochement between the continental territory and the Malvinas Islands and further encourages human contact."

13. By letter dated 19 March 2001 (A/55/843) addressed to the Secretary-General, the Permanent Representative of the United Kingdom to the United Nations referred to the letter dated 3 January 2001 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/55/729) and re-stated the position of his Government regarding sovereignty over the Falkland Islands (Malvinas).

III. Mine clearance

14. In 1994, the Government of Argentina offered to assume the task of removing the mines laid in the Falkland Islands (Malvinas) by the armed forces of Argentina during the conflict of 1982. An Action Agenda issued by Prime Minister Blair and President Menem on 28 October 1998 stated that both Governments would work together to evaluate the feasibility and cost of clearing the landmines that remained in the Falkland Islands (Malvinas). Both Governments reaffirmed their commitment to cooperating on mine clearance in the joint statement of 14 July 1999. Work on a memorandum of understanding setting out how the feasibility study would be carried out is under way. Within this context, an informal meeting of experts was held in Buenos Aires on 17 and 18 October 2000.

IV. Economic conditions

A. General

15. According to the administering Power, the pace of economic development has accelerated dramatically since 1982. In 1984, the Falkland Islands Development Corporation was formed to encourage the development of a private sector. This rapid growth resulted initially from the influx of British Government aid, but subsequently, from the development of fisheries. The size of the fisheries' revenues and their subsequent investment have enabled improvements to be made in the infrastructure and the promotion of tourism and other enterprises, which will help to diversify the economy. The basic challenge is to increase economic security through diversification, including further development of tourism and diversification of agricultural production.

16. In order to promote economic development, the territorial Government organized the Falkland Islands Forum on the theme of "Sustaining a secure future", held in London in July 2000. The Forum was attended by business and media representatives and investors from the Falkland Islands (Malvinas) and the United Kingdom. The meeting considered the future sustainable diversification of the Islands in the areas of mineral exploration, commercial fishing and agriculture, alongside the protection of the Islands' special environment. Among the initiatives discussed

were the branding and marketing of Falkland Islands (Malvinas) natural products (i.e. meat, wool, fish, calcified seaweed fertilizer and kelp) to world markets; fast-tracking the export of organic agriculture; the construction of a new abattoir built to European Union standards to open in July 2001; an open-door licensing policy for hydrocarbon exploration in unlicensed acreage; the development of onshore fisheries activity; the construction of a new deep-water port for use by tourist and commercial vessels; the responsible development of tourism and the development of a new Falklands (Malvinas) Internet portal with linked web sites to promote a welcoming image of the Islands and to facilitate e-commerce.

B. Public finance

17. The Territory's financial year runs from 1 July to 30 June. The most recent information available on total receipts and payments is contained in the 2000 working paper (A/AC.109/2000/11).

18. The territorial Government has continued to work for improved long-term planning and budget processes in order to strengthen financial management and control systems through computerization. The recent introduction of resource accounting was expected to enable management to identify the cost of the capital employed and to keep account of the value of the public investment in equipment and infrastructure throughout its useful life. The objective is to move from a money-led to a needs-led budget.

C. Agriculture, land tenure and livestock

19. The land is devoted for the most part to sheep ranching to produce wool. Until 1979, there were 36 farms in the Islands, almost all owned by absentee landlords and commercial interests, the largest of which was the Falkland Islands Company, which had been operating since 1851. In 1982, the Company began to sell off its land to private local ownership. The territorial Government has assisted in the process of subdivision of farms by making grants and loans available to individual farmers. There are some 90 farms which average 33,216 acres in size. In 1991, the territorial Government purchased four farms owned by the Falkland Islands Company, which constitute 25 per cent of the total farmland of the Islands. In order to manage these farms, the territorial Government established a body, the Falklands Landholdings Limited.

20. Faced with the continuing low price of wool, the Department of Agriculture is endeavouring to encourage agricultural diversification, while programmes related to wool production and marketing continue to be a major focus, among them the Agricultural Subsistence and Incentive Scheme, designed to provide financial support and to assist in the improvement of existing farming operations or the development of new farm-based enterprises and the Pasture Improvement Programme. Wool preparation is ongoing, as are the promotion of the chemical-free or "organic" status of Falkland Islands (Malvinas) wool and investigations into reducing the costs associated with the sale of Falkland Islands (Malvinas) wool. The Department of Agriculture carries out a programme of scientific research with a view to introducing improved farming methods to the Islands. Diversification projects have been undertaken in horticulture, cashmere goats, meat production and poultry farming.

D. Fisheries

21. Squid, including *Loligo* and *Illex*, are the mainstay of the territorial fisheries and economy. In addition to the two squid species, there are a number of finfish, which include blue whiting, hake and hoki. The Fisheries Department is responsible for administering the fishery. The management system reflects the volatile nature of the main squid species, which only live for one year. The standing stock of *Illex* squid, a species of migratory nature is monitored according to procedures agreed upon by the South Atlantic Fisheries Commission and further procedures, as appropriate, that are adopted to ensure conservation of the stock. In addition to its vulnerability to natural phenomena and human depredation, the fishery is also vulnerable to world economic conditions, as was the case in 1999 when income from fisheries in the Falkland Islands (Malvinas) decreased owing to the financial crisis in Asia.

22. On 15 and 16 June 2000, the South Atlantic Fisheries Commission held its seventeenth meeting, in London. The Argentine delegation was led by the Head of the Legal Department of the Ministry for Foreign Affairs, International Trade and Worship, Horacio Basabe. The British delegation was led by the Head of the Overseas Territories Department of the Foreign and

Commonwealth Office, John White. The following joint press statement was issued at the end of the meeting:

"(...) The meeting took place in a friendly atmosphere.

"The British and Argentine delegations agreed that there applied to the meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas contained in paragraph 2 of the joint declaration issued in Madrid on 19 October 1989.

"The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its fifteenth meeting, which was held in London on 13 and 14 June 2000. The Commission was pleased to acknowledge the value of the continuing cooperation between the Instituto Nacional de Investigación y Desarrollo Pesquero (INIDEP) and the Imperial College, highlighting particularly the continuing need for scientific work to improve our understanding of the dynamics of the *Illex* squid and southern blue whiting fishery and the increasingly important hoki stock. Further investigations are needed to improve the methodology for estimating the size and distribution of the stocks of significant species and their age composition. The Commission agreed to recommend the Subcommittee's proposals to both Governments.

"Both delegations reaffirmed the importance they attach to ensuring the stability of fish stocks. They reiterated the commitment of both Governments to the conservation of fish and squid stocks in the south-west Atlantic. They recommend to both Governments that continuing scientific research should continue to be done in order to improve our understanding of the most significant offshore species in the area.

"Both delegations reaffirmed their support for the Early Warning System. They were pleased by the success of the system while recognizing that further scientific work was needed to improve it. The exchange of real-time data on fishing operations remained central to the operation of the system. The Commission agreed to recommend to both Governments that every effort be made to maintain the level of 40,000 metric tons of *Illex* spawning stock biomass at the end of the fishing season in order to ensure stock sustainability.

"The Commission noted the concerns raised in the Subcommittee about the level of uncertainty associated with the estimation of recruitment and biomass of *Illex*. It was agreed to recommend to both Governments that a workshop on the methodologies for assessing the dynamics of *Illex* should take place to refine the application of the Early Warning System before the next fishing season.

"Both delegations exchanged views on conservation and other related measures affecting the fisheries of the south-west Atlantic. They recognize the need for further exchanges of information on these matters before and during the fishing season. They discussed ways of ensuring the relative stability of fisheries, recalling their economic significance.

"The Commission reiterated that the timely establishment of a multilateral arrangement would provide the necessary long-term mechanism to ensure the sustainability of fish stocks in the high seas of the south-west Atlantic.

"The Commission noted the concerns expressed by the Subcommittee about current catch levels on the southern blue whiting stock. Scientific advice was accepted that if the stock was to be sustained current catches should be substantially reduced from those of 1999. The Commission agreed to recommend to both Governments that they should explore ways to ensure that this conservation standard is met in order to achieve stability. A prudent policy was needed to conserve the fishery. Both delegations agreed that they should continue to recommend the maintenance of the precautionary approach for all relevant species.

"The Commission noted the progress made in developing the assessment of the status of the southern blue whiting stock further. It recommended that a further workshop should take place in conjunction with the next meeting of the Subcommittee in order to extend work on the status of the southern blue whiting stock.

"It was also agreed that in the light of the advice from the Scientific Subcommittee on the growing importance of hoki to the fishery in the south-west Atlantic the workshop should review the current status of the stock of hoki.

"Both delegations expressed their satisfaction at the practical measures being applied by their Governments to prevent poaching, given that it undermines the maintenance and conservation of fish stocks in the south-west Atlantic. They agreed to enhance efforts aimed at achieving both of these objectives in a coordinated way.

"The Argentine delegation reiterated the concern of the Argentine Government about the situation created by the British decisions with respect to the area described in the annex to the joint statement of 28 November 1990 and the area to the west of it. It expressed the hope of the Argentine Government that the matter be resolved. The British delegation reiterated its position.

"The two parties will maintain contact through diplomatic channels with a view to agreeing on the place and date of the next meeting of the Commission."

23. Subsequently, on 30 November 2000, the South Atlantic Fisheries Commission held its eighteenth meeting, in Buenos Aires. The Argentine delegation was led by the Head of the Malvinas and South Atlantic Department of the Ministry for Foreign Affairs, International Trade and Worship, Silvia Merega. The British delegation was led by the Head of the Overseas Territories Department of the Foreign and Commonwealth Office, John White. The following joint press statement was issued at the conclusion of the meeting:

"(...) The meeting took place in a friendly atmosphere.

"The British and Argentine delegations agreed that there applied to this meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas contained in paragraph 2 of the joint declaration issued in Madrid, on 19 October 1989.

"The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its 16th meeting, which was held in Mar del Plata, Argentina, on 27 and 28 November 2000. The Commission welcomed the continuing cooperation between INIDEP and the Imperial College, which contributed to the Commission's understanding of the scientific aspects of the fisheries of significant species. It was pleased that both institutions had agreed to continue with the implementation of joint projects. The Commission agreed to recommend the Subcommittee's proposals to both Governments.

"Both delegations reaffirmed the importance they attach to ensuring the stability of fish stocks and reiterated the commitment of both Governments to the conservation of fish and squid stocks of the south-west Atlantic. They recommended to both Governments the continuation of further scientific research in order to achieve a greater understanding of the most significant offshore species in the area.

"Both delegations reaffirmed their support for the Early Warning System, and acknowledged the need to carry out additional scientific work in order to improve it. The exchange of real-time data on fishing operations remained central to the operation of the system. The Commission agreed to recommend to both Governments that every effort be made to maintain a level of 40,000 metric tons of *Illex* spawning stock biomass at the end of the fishing season in order to ensure stock sustainability. Both delegations endorsed the extension of the exchange of information proposed by the Scientific Subcommittee for the next season.

"The Commission noted the concerns raised in the Subcommittee about the level of uncertainty associated with the estimation of recruitment of the short-fin squid, *Illex*, and agreed on the modifications proposed for the pre-recruit survey. Furthermore, the importance of the continuity of scientific work on the methodologies for the assessment of the dynamics of the *Illex* stock was underlined.

"Both delegations exchanged views on conservation measures affecting the fisheries of

the south-west Atlantic. They recognized the need for further exchanges of information on these matters before and during the fishing season. They discussed ways of ensuring the relative stability of fisheries, recalling their economic significance.

"Both delegations concurred that the timely establishment of a multilateral arrangement would provide the necessary long-term mechanism to ensure the sustainability of fish stocks in the high seas of the south-west Atlantic.

"Both delegations agreed to recommend to their Governments that a precautionary approach should be adopted to achieve the conservation of *Illex* stocks. In that respect, if scientific assessments indicate that the status of the *Illex* stock during the 2001 season is jeopardized, it is recommended to both Governments to then adopt appropriate conservation measures.

"The Commission noted the concerns expressed by the Scientific Subcommittee on the declining levels of biomass of southern blue whiting, and that current catch levels are likely to be unsustainable under prevailing conditions of recruitment. Both delegations agreed to recommend to their Governments that the serious position of the southern blue whiting stock be addressed by a precautionary approach. This should aim to reverse the above trends through appropriate catch levels.

"The Commission endorsed the agreement reached in the Scientific Subcommittee to continue research on the current status of hoki.

"Both delegations expressed their satisfaction at the practical measures being applied by their Governments to prevent poaching, given that it undermines the maintenance and conservation of fish stocks in the south-west Atlantic. They agreed to enhance efforts aimed at achieving both of these objectives in a coordinated way.

"The Argentine delegation reiterated the concern of the Argentine Government about the situation created by the British decisions with respect to the area described in the annex to the joint statement of 28 November 1990 and to the area west of it. It expressed the hope of the Argentine Government that the matter be resolved. The British delegation reiterated its position.

"The two parties will maintain contacts through diplomatic channels with a view to agreeing on the place and dates of future meetings of the Commission."

E. Tourism

24. The most recent information on visitors to the Islands is contained in the 2000 working paper prepared by the Secretariat (A/AC.109/2000/11). The Falkland Islands Tourist Board, a department of the Falkland Islands Development Corporation, has established relationships with United Kingdom and other European tour operators to include the Falkland Islands (Malvinas) in tour programmes. The tourism industry offers specialist holidays to those interested in wildlife and sea trout fishing. The Islands' main tourist lodges are found at Port Howard, San Carlos, Sea Lion Island and Pebble Island. There are two hotels in Stanley.

F. Oil

25. On 27 July 2000, the South West Atlantic Hydrocarbons Commission held its eighth meeting, in London. The Argentine delegation was led by Horacio Adolfo Basabe, Legal Adviser at the Ministry for Foreign Affairs, International Trade and Worship, and the British delegation was headed by Richard Wilkinson, Director, Americas, at the Foreign and Commonwealth Office. At the conclusion of the meeting, the following joint press statement was issued:

"(...) A meeting of the Subcommittee for the Special Cooperation Area took place on 25 and 26 July 2000.

"The British and Argentine delegations agreed that there applied to the meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas set out in paragraph 1 of the joint declaration of 27 September 1995.

"The Joint Commission reviewed the work of its Subcommittee, which is considering the many questions related to the launch of a licensing round in the Special Cooperation Area. The Joint Commission agreed that further work was necessary on the proposed marking scheme for bids, health and safety issues, harmonization of licence terms and conditions, future environmental work and taxation.

"The Joint Commission discussed issues related to the protection of the marine environment and the accomplishment of joint scientific research projects in the south-west Atlantic.

"The Joint Commission discussed cooperation on the promotion of the exploration for and exploitation of hydrocarbons in maritime areas of the south-west Atlantic subject to a controversy on sovereignty and jurisdiction, and the existing divergent interpretations in relation to some aspects of the 1995 joint declaration. Both delegations agreed to reflect further on this issue and on how future cooperation might best be carried forward. They agreed to resume consideration of these matters at a future meeting."

G. Transport, communications and other basic facilities

26. The road network in the Falkland Islands (Malvinas) consists of over 30 miles of surfaced roads and over 160 miles of unsurfaced roads. Travel within the Territory is accomplished by a variety of means, mostly by aircraft and four-wheel-drive vehicles. Motorbikes and horses are also used in the countryside.

27. Air transport in the Territory is provided by the territorial Government's air service on an on-call basis, using four nine-seater aircraft. There are some 40 grass and beach airstrips serving almost every settlement in the Islands.

28. Freight is transported by a coastal ship, operated by Byron Marine Ltd. The ship carries fuel and other supplies to farms and outlying islands, collecting wool for the return trip, for subsequent onward shipment to the United Kingdom by charter vessel.

29. In February 2001, by an exchange of letters, the Governments of Argentina and the United Kingdom agreed that the formula on sovereignty in paragraph 2 of the joint statement issued in Madrid on 19 October 1989 applied to flights by private civil aircraft and to navigation by private vessels, including their arrival, stay and departure, from mainland Argentina to the Falkland Islands (Malvinas) and from the Islands to mainland Argentina. Since February, several flights have taken place.

H. Banking and public works

30. Information on banking and public works is contained in paragraphs 33 to 36 of the 2000 working paper prepared by the Secretariat (A/AC.109/2000/11).

V. Social conditions

A. General

31. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been extended to the Falkland Islands (Malvinas) by the administering Power. Further, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Territory and observes the regular reporting procedures under these instruments. The common law of the United Kingdom applies in the Falkland Islands (Malvinas) except insofar as it is inconsistent with any enactment of the law applying to the Falkland Islands (Malvinas).

32. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women has been applied by the United Kingdom in the Falkland Islands (Malvinas) with the agreement of the territorial Government.

B. Public health, social security and welfare, housing and education

33. Information on public health, social security and welfare, housing and education is contained in paragraphs 39 to 48 of the 2000 working paper prepared by the Secretariat (A/AC.109/2000/11). During the period under review, work has continued towards the planned replacement, by civilians, of military staff providing health services at the King Edward VII Memorial Hospital.

C. Other developments

34. Since the issuance of the 2000 working paper, six groups, each composed of 20 relatives of Argentines who died in the 1982 conflict, accompanied by a priest, travelled to the Falkland Islands (Malvinas) in October, November and December 2000 and in January, February and March 2001 in order to visit the Argentine cemetery in the Islands.

35. During the period under review, there were private contacts between the inhabitants of the Territory and continental Argentina. An Islander played on a Buenos Aires football team; art exhibits of the work of a painter from the Islands took place in Bahía Blanca and Buenos Aires; a group of popular music from Buenos Aires performed in the Islands. Patagonian entrepreneurs in the wool industry also made a visit to the Islands as tourists.

VI. Participation in international organizations and arrangements

36. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Representatives of this Government have participated, as members of the United Kingdom delegation, in discussions on matters affecting their interests, such as those leading to the 14 July 1999 joint statement.

VII. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

37. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 8th meeting, on 11 July 2000. At its 5th meeting on 5 July 2000, the Special Committee granted requests for hearing by the Honourable Sharon Halford and the Honourable Richard Cockwell of the Legislative Council of the Falkland Islands (Malvinas), as well as by Guillermo Clifton, Alejandro Betts and Alejandro Vernet. At its 8th meeting, the Special Committee acceded to the requests of Argentina, Brazil (on behalf of the States members of the Southern Cone Common Market (MERCOSUR) (Argentina, Brazil, Paraguay and Uruguay) plus Bolivia and Chile), Paraguay and Uruguay to participate in the consideration of the item.

38. At the Committee's 8th meeting, the representative of Chile introduced, also on behalf of Bolivia, Cuba and Venezuela, a draft resolution on the item (A/AC.109/2000/L.8). The Committee subsequently approved the draft resolution without a vote at the same meeting, following the debate on the question.

39. At the same meeting, the Minister for Foreign Affairs, International Trade and Worship of Argentina, Adalberto Rodriguez Giavarini, made the following statement:

> "We hope that the work of the Special Committee helps to resolve an issue of fundamental importance for the Argentine Republic: the dispute regarding sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.
>
> "I wish to confirm, before the members of the United Nations here present, the lasting and irrevocable commitment of the Argentine Government to the peaceful recovery of those archipelagos and maritime areas since they are part of the Argentine national territory and my

country will never renounce the claim for their restitution.

"Recovering the full exercise of sovereignty, respecting the way of life of its inhabitants and in conformity with international law, is a constitutional precept, the fulfilment of which is set forth in the Constitution of the Argentine Nation. It transcends Governments, persons and circumstances, forming an objective of the entire Argentine people and the only possible policy of the State.

"Profoundly committed to this line of thought, the Argentine Government confirms its complete readiness to resume bilateral negotiations with the United Kingdom, as is indicated in successive resolutions of this Special Committee, the United Nations General Assembly and the General Assembly of the Organization of American States."

40. At the same meeting, the representative of Brazil, on behalf of the States members of MERCOSUR and of Bolivia and Chile, reiterated the provisions of the Declaration on the Malvinas, adopted at the tenth meeting of Presidents of the States members of MERCOSUR and of Bolivia and Chile, held at Potrero de los Funes, Argentina, on 25 June 1996, at which the Presidents reaffirmed their support for the legitimate right of Argentina in the sovereignty dispute on the question of the Falkland Islands (Malvinas) urging that the controversy should be resolved as soon as possible in accordance with resolutions of the United Nations and the Organization of American States. He also drew attention to the Declaration on the Malvinas adopted at the sixteenth meeting of the Presidents of MERCOSUR and Bolivia and Chile, held in Asuncion, Paraguay, on 5 June 1999, by which they noted with satisfaction the positive dialogue between Argentina and the United Kingdom with regard to the situation in the South Atlantic, they reiterated their unwavering commitment to the policy of securing communications and free transit of persons with the Falkland Islands (Malvinas), without discrimination and in a fluid and friendly manner.

41. Also speaking during the Special Committee's debate on the item, the representative of Uruguay recalled the 1986 statement of his country's President at the General Assembly to the effect that Argentina and the United Kingdom should sit down at the negotiating table, in the name of peace and mutual understanding among nations, and undertake a frank and open dialogue, placing all the issues and questions in dispute on the table and resolving all problems that hinder full normalization of relations. The representative of Paraguay stated that his Government had traditionally supported Argentina. The high level of bilateral Argentine-British relations constituted a solid base for the resumption of negotiations that take into account the interests of the inhabitants of the Islands with a view to achieving a just and lasting solution. The representative of Tunisia stated that the international community would like to see the resumption of negotiations between Argentina and the United Kingdom so that they could find a just and lasting solution to their dispute as soon as possible. His country welcomed the present climate of dialogue and cooperation between the two States. The representative of Iraq said that the Falkland Islands (Malvinas) belonged to Argentina and had been occupied by the United Kingdom, which continued to occupy them, invoking the right to self-determination. In this case, it was not appropriate because the Islanders were several hundred British citizens who had been transplanted and encouraged to remain on the Islands. The representative of Indonesia stated that the question of the Falkland Islands (Malvinas) was a special situation and required the enhancement of understanding and reconciliation. Bilateral relations between Argentina and the United Kingdom had reached an important stage. The two countries should follow dialogue to pave the way towards a just, peaceful and lasting settlement of their dispute. The representative of Venezuela stated that his country, as a co-sponsor of the draft resolution, supported Argentina's legitimate rights of sovereignty over the Falkland Islands (Malvinas). The process of dialogue and cooperation, which both Argentina and the United Kingdom had strengthened in the last few years, was the only way to reach a just and lasting settlement to the dispute. The representative of China recalled that the General Assembly resolution of December 1965 had invited the two Governments to seek a peaceful resolution to their dispute, as had the Special Committee. It was a widely accepted principle that a territorial dispute should be resolved through peaceful negotiations. China appealed to Argentina and the United Kingdom to continue their dialogue and supported the draft resolution in that regard. The representative of the Syrian Arab Republic stated that his country favoured a peaceful and lasting

solution to the dispute, achieved through dialogue and cooperation between the Governments of Argentina and the United Kingdom. The representative of Cuba stated that his country's position was well known and had been expressed clearly in the Special Committee and elsewhere. Faithful to the principle of brotherhood and others guiding Cuba's foreign policy, it endorsed Cuba's full commitment to and support for Argentina's sovereignty. A peaceful and lasting solution to the dispute could be achieved through dialogue and cooperation. The representative of Côte d'Ivoire expressed the extreme importance his country attached to the resolution of the dispute, which had remained unsolved for too long. Conditions could not be better for a peaceful resolution. The representative of Ethiopia stated that the question of the Falkland Islands (Malvinas) constituted a colonial situation involving a sovereignty dispute. He supported the draft resolution. The representative of the United Republic of Tanzania stated that the consistent position of his delegation was reflected in the current draft resolution and represented the way to bring this particular colonial situation to an end. He called for a peaceful, negotiated settlement to the issue of sovereignty between Argentina and the United Kingdom, though he expressed concern and disappointment that the situation remained unchanged. The representative of Bolivia called for approval of the draft resolution. He expressed concern, however, that previous calls for progress had not been heeded.

42. In statements after the adoption of the resolution, the representative of Grenada urged the parties to press on for the eventual successful resolution of the dispute. The right of self-determination was reserved for the inhabitants of the Territory, who were the only and final arbiters of their future destiny. The representative of Antigua and Barbuda stated that the current discussion had dealt with sovereignty and not decolonization, which was the real subject matter of the Committee. The job of the Committee was not to determine who should govern a Territory, but to ensure that the options chosen by the inhabitants were followed. It was encouraging that Argentina and the United Kingdom, in recent discussions, had made progress on matters related to the welfare of the people of the Islands. The representative of Sierra Leone stated that it was important for the resolution to express interest in the self-determination of the population of the Islands and added that there was no substitute for self-determination in matters of decolonization.

B. Position of the Government of Argentina

43. During the Millennium Summit of the United Nations, at a meeting held on 8 September 2000, the President of Argentina, Fernando de la Rúa, stated the following:

> "I should like to conclude by pointing out that my country's dispute with the United Kingdom regarding the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas is on the agenda of this Organization, which, through repeated resolutions, has requested the Governments of my country and the United Kingdom to resume negotiations in order to find a just and lasting solution to the sovereignty dispute, thus putting an end to a colonial situation imposed by force in 1833."

44. The position of Mr. de la Rúa was reiterated in identical terms by the Secretary of State for Foreign Affairs of Argentina, Enrique Candioti, on 21 September 2000, in his statement during the general debate at the fifty-fifth session of the General Assembly, while adding the following:

> "... Argentina confirms once again its complete readiness to resume bilateral negotiations with the United Kingdom in order to resolve this issue, and its support for the mission of good offices which the General Assembly has entrusted to the Secretary-General in order to assist the parties in achieving this objective."

45. At the same meeting, in exercise of the right of reply to the United Kingdom, the representative of Argentina stated that, "the Argentine Republic, having listened to the statement made in reply by the representative of the United Kingdom of Great Britain and Northern Ireland, wishes to reaffirm the ideas put forth in the statement made in the general debate this afternoon by the Secretary of State for Foreign Affairs, Mr. Enrique Candioti".

C. Position of the administering Power

46. On 21 September 2000, at the 27th meeting of the General Assembly, replying to the statement made by the Secretary of State of Argentina, the representative of the United Kingdom stated the following:

"The British Government does not accept the Secretary of State (of Argentina)'s remarks about sovereignty. We have no doubt about Britain's sovereignty over the Falkland Islands and the other British dependencies in the South Atlantic. Moreover, we have a duty to respect the right to self-determination of the people of the Falkland Islands, who have made clear their wish to remain British. The elected representatives of the Islanders expressed their views clearly when they visited the United Nations for the debate in the Committee of 24 on 11 July this year. They asked the Committee to recognize that they, like any other democratic people, should be allowed to exercise the right of self-determination. As the democratic voice of the Falkland Islands people, they reiterated their view that they did not want to be part of Argentina.

"Despite our differences with Argentina on the subject of sovereignty, we continue to strengthen our bilateral relations — including this year through meetings between Prime Minister Blair and President de la Rúa and between our Foreign Ministers — and to build on the agreement signed last year on practical arrangements on matters of common interest in the South Atlantic. We are confident that our relations will continue to flourish in that spirit of cooperation and mutual interest."

47. The representative of the United Kingdom also made statements in right of reply at the 3rd and 7th meetings of the Special Political and Decolonization Committee (Fourth Committee), reiterating that the United Kingdom's position on the sovereignty of the Falkland Islands (Malvinas) was well known and had been expressed most recently by the Deputy Permanent Representative of the United Kingdom to the United Nations in his statement to the General Assembly on 21 September 2000.

D. Contribution by other Member States

48. During the general debate on decolonization items in the Fourth Committee on 5 September 2000, the representative of Colombia, on behalf of the member States of the Rio Group, stated that the Governments of Argentina and the United Kingdom should resume their negotiations aimed at finding at the earliest possible date a peaceful, just and lasting solution to the colonial dispute over sovereignty of the Malvinas, South Georgia and South Sandwich Islands, in accordance with the relevant resolutions of the General Assembly and the Special Committee on Decolonization (see A/C.4/55/SR.3).

49. At the same meeting, the representative of Brazil, speaking on behalf of the MERCOSUR countries (Argentina, Brazil, Paraguay and Uruguay) plus Bolivia and Chile, reiterated the provisions of the "Declaration on the Malvinas Islands" adopted at the tenth meeting of the Presidents of the States Parties of MERCOSUR and of Bolivia and Chile, in 1996. The Declaration reaffirmed their support for the legitimate rights of Argentina in the sovereignty dispute on the question of the Falkland Islands (Malvinas) and their concern that the sovereignty dispute between Argentina and the United Kingdom about the aforementioned territories be resolved promptly in accordance with the resolutions of the United Nations and the Organization of American States. The representative of Brazil also recalled the meeting of the Presidents of the States Parties of MERCOSUR and of Bolivia and Chile, held in Asunción of Paraguay, on 5 June 1999, at which they welcomed the positive dialogue between Argentina and the United Kingdom reflected in the most recent contacts between the two countries, and reiterated their commitment to the policy of ensuring communications and transit of persons without discrimination and in a fluid and friendly manner. The representative of Brazil also pointed out that the Committee of South American Presidents, at a meeting in Brasilia on 31 August and 1 September 2000, had declared that in the Falkland Islands (Malvinas) colonialism still existed and that such colonial situations were incompatible with the ideals of peace, security and cooperation in the subcontinent. The Presidents had agreed on the need for the two parties to resume negotiations with a view to the speedy achievement of a peaceful and lasting solution to the sovereignty dispute on the basis of the relevant resolutions of the United Nations and the Organization of American States.

50. Also at the third meeting of the Fourth Committee, the representative of Cuba reiterated his country's support for the legitimate rights of Argentina in the dispute over sovereignty in the Falkland Islands (Malvinas) and considered that a lasting, peaceful and just resolution of that problem could be achieved solely through dialogue and cooperation between the parties.

51. At the 7th meeting on 29 September 2000, the representative of Chile stated that his delegation fully supported the statement by the representative of Brazil on behalf of the States members of MERCOSUR. At the same meeting, the representative of Venezuela stated that his country shared the aspirations of Argentina concerning sovereignty over the Falkland Islands (Malvinas) and called on the Governments of Argentina and the United Kingdom to undertake negotiations with a view to finding a peaceful and lasting solution to the dispute (see A/C.4/55/SR.7).

E. Action by the General Assembly

52. At its 68th plenary meeting on 20 November 2000, the General Assembly decided to defer consideration of the item entitled "Question of the Falkland Islands (Malvinas) and to include it in the provisional agenda of its fifty-sixth session (decision 55/411).

F. Consideration by other intergovernmental organizations and international forums

53. On 6 June 2000, the General Assembly of the OAS adopted a declaration on the question of the Falkland Islands (Malvinas) by which it welcomed the reaffirmation of the will of the Government of Argentina to continue exploring all possible avenues for peaceful settlement of the controversy and its constructive approach towards the inhabitants of the Falkland Islands (Malvinas); reaffirmed the need for the Governments of Argentina and the United Kingdom to begin, as soon as possible, negotiations on the sovereignty dispute, in order to find a peaceful solution to this protracted controversy; and decided to continue to examine the question of the Falkland Islands (Malvinas) at its subsequent sessions until a definitive settlement is reached thereon.

54. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) at OAS was stated in a letter dated 13 November 1995 from the Permanent Observer Mission of the United Kingdom to OAS addressed to the Chairman of the Permanent Council of OAS:

> "The position of the British Government on the question of the Falkland Islands is well known and remains unchanged. It was, for example, set out most recently by the British delegation in the United Kingdom right of reply to the statement to the United Nations General Assembly by the Argentine Minister for Foreign Affairs on 27 September. I am sure you will understand why the United Kingdom cannot accept the various resolutions and declarations adopted by the General Assembly of the Organization and referred to the preamble and operative paragraph 1 of resolution 655 (104/95). I am sure that this matter will not inhibit the fruitful cooperation on a wide range of issues which we all desire."

55. The meeting of the Presidents of South America(n States), held in Brasilia on 31 August and 1 September 2000, stated that, in the South Atlantic, there still remained a colonial situation in the Falkland Islands (Malvinas), and further stated the following:

> "Convinced that the continuation of colonial situations was incompatible with the ideals of peace, security and cooperation in the subcontinent, the meeting of the Presidents agreed on the need for the two Parties to resume negotiations with a view to finding, as soon as possible, a peaceful and lasting solution to the dispute over sovereignty, in accordance with the relevant resolutions issued by the United Nations and the Organization of American States."

56. At the tenth Ibero-American Summit, held in Panama City on 16 November 2000, the Heads of State and Government adopted the following declaration on the Falkland Islands (Malvinas):

> "The Heads of State and Government of the Ibero-American countries, meeting in Panama City, on the occasion of the Tenth Ibero-American summit, reaffirm the need for the Government of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, the negotiations aimed at finding an early solution to the sovereignty dispute relating to the Question of the Malvinas Islands, in accordance with the provisions, objectives and resolutions of the United Nations and the Organization of American States, including the principle of territorial integrity."

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations on 3 May 2001, as well as from official documents of the Government of Argentina.